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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,011	03/30/2001	David Lamp	A-6949	8511
7590 06/17/2005 Hoffman, Wasson & Gitler, P.C. Suite 522 2361 Jefferson Davis Highway Arlington, VA 22202			EXAMINER CHRISTMAN, KATHLEEN M	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/821,011	Applicant(s) LAMP, DAVID	
	Examiner Kathleen M. Christman	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 1 does not comply with 37 CFR 1.84(l)-(m). The shading obscures the lettering in the lower box and the shading in the figure is not necessary for the understanding of the invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Observations

2. Claim 3 recites the term "said electronic data basis" in the last line. It is clear that this is intended to refer to the electronic data base defined previously in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Art Unit: 3713

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to teach how the steps of "accessing said database in a manner allowing interplay between the teacher and the student to facilitate the mastery of the learning cluster by the student" (claims 1) and "monitoring the interplay between the teacher and the student; noting a pattern created by the interplay between the teacher and the student; and providing additional interplay between the teacher and the student based upon the pattern" (claim 2) are actually performed. Although the specification makes mention of similar wording, it does not teach how the database is accessed to allow interplay between the teacher and the student. Further there is no mention of how monitoring of the interplay is achieved or in what manner patterns are detected or what constitutes a pattern. Similarly, the "means in communication with said electronic database for monitoring an interplay between the teacher and the student for sensing a pattern created by said interplay and providing additional interplay between the teacher and the student based upon said pattern" in claims 5 and 6 is not taught in the specification as originally filed. Applicant has failed to show any exemplary embodiments of the structure that is capable of performing this function.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

Art Unit: 3713

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al (US 6301462). Freeman et al teaches a method and associated system including: an electronic database (col. 4: 60-62) including a plurality of concepts to be learned by the student (a learning engine, col. 8: 17-18), each of said concepts classified in said database as a structural collection of four learning objects (col. 8: 18-22), a first of said learning objects directed to a rule taught by said concept (the motivational modules), a second of said learning objects directed to the theory of said rule of said first of said learning objects (the understand or teaching module), a third of said learning objects illustrating said rule and said theory (the "learn by doing" modules), and the fourth of said learning objects directed to a value judgment (the assessment modules), see Figure 3 and col. 5: 62- col. 7: 6, as in **claims 1 and 3**. An input device and display device (**claim 3**) are inherent to the computer systems as described by Freeman et al in col. 3: 34 – col. 4: 51. The steps of creating the database and entering the database into a storage media (**claim 1**) are performed during the actual initial creation phases of the software. Accessing the database in a manner allowing interplay between the teacher and the student to facilitate the mastery of the learning cluster by the student (**claim 1**) is shown in col. 2: 13-37. Monitoring the interplay between the teacher (the collaborative apprentice) and the student, noting a pattern created by the interplay between the teacher and the student, and providing additional interplay between the teacher and the student based upon said pattern (**claims 2, 5 and 6**) is shown in col. 7: 40-60. The database may be connected to the internet (**claim 4**) as is shown in col. 6: 52-54.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3713

- a. DeNicola et al (US 6288753) teaches a system for the creation of learning content in a database structure
- b. Weingarden et al (US 6164975) teaches a system for teaching over the Internet where the each lesson includes multiple objects which define specific features of the lesson
- c. Konrad (US 5696901) teaches a database structure for various types of content

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M. Christman whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kathleen M Christman
Examiner
Art Unit 3713

June 14, 2005